

REMARKS

Claims 1, 2, 5-8, 11-19, 21 and 21-55 are pending in the present application. In the foregoing amendments, claim 34 has been amended. No new matter has been added by these amendments.

Applicant respectfully requests entry of the foregoing amendments and reconsideration of the application in light of the amendments above and the remarks below.

Claim Rejections Under 35 U.S.C. §112, First Paragraph

In the Final Office Action mailed 1 November 2007 (hereinafter: “Office Action”), claims 23, 24, 27, and 55 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Specifically, the Office Action contends that “medium” recited in these claims has not been positively disclosed in the present application. Applicant respectfully traverses.

Applicant submits that support for claims 23, 24, 27, and 55 is given throughout the present application. For example, page 14, lines 1-6 state “detector 600 can be implemented in hardware or software, or a combination thereof. ... Detector 600 can be implemented as part of a modem firmware (e.g., DSP code) designed to execute on a processor (e.g., controller 290 in FIG. 2).” Page 17, lines 4-15 state “various aspects, embodiments, and elements of the invention can be implement in hardware or software, or a combination thereof. The processes shown in FIGS. 4, 5A, and 5B, the elements within the base station and remote terminal (e.g., detector 600), and other elements and processes can be implemented using one or more application specific integrated circuits (ASICs), digital signal processors (DSPs), micro-controllers, microprocessors, other electronic circuits designed to perform the functions described herein, or a combination thereof. Also, some of the processes, functions (e.g., averaging and detecting), and elements (e.g., detector 600) described herein can be implemented with a general-purpose processor or a specially designed processor (e.g., controller 290) operated to execute instruction codes designed to achieve the functions described herein.

Further, it is well known in the art that DSPs, ASICs, micro-controllers, microprocessors, and the like (such as described above) may have on-chip memory, configured to store instruction

codes to be executed by a processor. Thus, a **processor-readable medium** is, at least, inherently disclosed in the present application.

Accordingly, the §112, first paragraph, rejection of claims 23, 24, 27, and 55 should be withdrawn. Applicant respectfully requests that the rejection of these claims be withdrawn.

Claim Rejection Under 35 U.S.C. §112, Second Paragraph

Claim 34 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite (i.e., missing a period).

In the foregoing amendments, claim 34 has been amended to include a period, thus obviating the rejection. Applicant respectfully requests that the rejection of claim 34 be withdrawn.

Allowable Subject Matter

In the Office Action, claims 1-2, 5-8, 11-19, 21 -22, 25-26, 28-33, and 35-54 were allowed. Applicant thanks the Examiner for the indication of allowable subject matter.

A statement of reasons for allowable subject matter was set forth by the Examiner in the Office Action. While Applicant agrees that claims 1-2, 5-8, 11-19, 21 -22, 25-26, 28-33, and 35-54 are allowable for at least the reasons set forth in the Examiner's statement, Applicant submits that the invention as recited by the claims and as described in the present application is patentable over the art of record for reasons in addition to those listed in the Examiner's statement. Accordingly, Applicant reserves the right to pursue claims of different scope from those in the present application.

REQUEST FOR ALLOWANCE

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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